

CLARE A. MILLER

DECEMBER 2 (legislative day, NOVEMBER 18), 1943.—Ordered to be printed

Mr. CAPPER, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 977]

The Committee on Claims, to whom was referred the bill (H. R. 977) for the relief of Clare A. Miller, having considered the same, report favorably thereon and recommend that the bill do pass without amendment.

The facts will be found fully set forth in House Report No. 654, Seventy-eighth Congress, first session, which is appended hereto and made a part of this report.

[H. Rept. No. 654, 78th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (H. R. 977) for the relief of Clare A. Miller, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 6, strike out the figures "\$5,000" and insert in lieu thereof the figures "\$3,437.05".

Page 1, line 8, after the word "sustained" insert the words "and hospital, medical, and other expenses resulting".

The purpose of the proposed legislation is to pay to Clare A. Miller, of Pittsburgh, Pa., the sum of \$3,437.05, in full settlement of all claims against the United States for personal injuries sustained and hospital, medical, and other expenses resulting when the automobile in which she was a passenger was struck by a United States Army automobile on July 17, 1941, on United States Highway No. 1, south of South Hill, Va.

STATEMENT OF FACTS

On July 17, 1941, at about 5:40 p. m., an Army reconnaissance car, on official business, the last in a convoy of Army vehicles, operated by a noncommissioned officer, two enlisted men riding on the back seat, was proceeding in a northerly direction on U. S. Highway No. 1 at a point about 9 miles south of South Hill, Va., at a speed of about 35 miles per hour. The weather was clear and the highway was paved and in fair condition. At about the same time a Ford sedan, owned and operated by Mrs. Leanna M. Stright, of Pittsburgh, Pa., with Miss Clare A. Miller, also of Pittsburgh, as passenger, was proceeding in the opposite direction on the same highway at a speed of between 40 and 50 miles per hour and passing the convoy. It appears that as the Ford sedan approached the end

of the convoy, the reconnaissance car moved out of line, and crossing the center of the highway, crashed into the left side of the civilian vehicle, striking it about the center.

The Army reconnaissance car was extensively damaged; the Ford sedan was almost totally demolished; the four soldiers in the Army vehicle were more or less seriously injured; Mrs. Stright sustained severe injuries, and Miss Miller sustained a contusion of the right knee, laceration and contusion of the left leg below the knee, and a fracture of the right radius near the wrist. Under date of November 4, 1941, Dr. Paul B. Steele, of Pittsburgh, reported that Miss Miller was suffering from neuritis of the median nerve resulting from the wrist injury.

There were no disinterested eyewitnesses, and the testimony of the Government driver and that of Mrs. Stright is in sharp conflict. The two enlisted men stated that they were in the back seat of the reconnaissance car and at the time had their heads down, lighting cigarettes, and hence were unable to give any information about the accident. Miss Miller states that she was looking in another direction and did not see what happened. However, the War Department in its report says:

"It appears, however, that all skid marks and debris were found to the right of the center line of the road, looking south (Mrs. Stright's proper side of the road), and this significant fact, considered with the location of the principal damage to each vehicle (the damaged parts of the Army vehicle included lights and radiator), tends to corroborate Mrs. Stright's statement."

Mrs. Stright's statement is that the Army vehicle had darted from its line of traffic, crossed the center line of the road, and struck her car.

The War Department further states in its report that—

"Since it appears that the injuries suffered by Miss Miller resulted from no fault or negligence on her part or on the part of Mrs. Stright, the driver of the civilian vehicle, but rather from negligence on the part of the Government driver, the Department, while not prepared to pass upon the amount that should be allowed her under the circumstances, will interpose no objection to the enactment of legislation compensating her for such injuries in such amount as the Congress in its discretion may deem proper."

After fully considering the matter, your committee feel that Miss Miller is entitled to \$3,000 for her injuries, plus the amount of hospital, medical, and other expenses incident thereto, which come to \$437.05, making a total of \$3,437.05. This appears to be fair and equitable under the circumstances, and the bill has been amended so as to provide for payment to her of such amount, \$3,407.05, instead of \$5,000, the amount for which the bill was introduced.

Your committee, therefore, recommend favorable consideration of the proposed legislation.

Appended hereto is the report of the War Department, together with other pertinent evidence, all of which is made a part of this report.

WAR DEPARTMENT,
Washington, June 30, 1942.

HON. DAN R. McGEHEE,
Chairman, Committee on Claims, House of Representatives,
Washington, D. C.

DEAR MR. McGEHEE: The War Department will interpose no objection to the enactment of H. R. 7172, Seventy-seventh Congress, second session, which would compensate Clare A. Miller, of Pittsburgh, Pa., for personal injuries sustained when the automobile in which she was a passenger was struck by a United States Army automobile on July 17, 1941, on United States Highway No. 1, south of South Hill, Va.

On July 17, 1941, at about 5:10 p. m., an Army reconnaissance car, on official business, the last in a convoy of Army vehicles, operated by a noncommissioned officer, with another noncommissioned officer riding on the front seat with him and two enlisted men riding on the back seat, was proceeding in a northerly direction on United States Highway No. 1 at a point about 9 miles south of South Hill, Va., at a speed of about 35 miles per hour. The weather was clear and the highway was paved and in fair condition. At about the same time a Ford sedan, owned and operated by Mrs. Leanna M. Stright, of 5733 Holden Street, Pittsburgh, Pa., with Miss Clare A. Miller, of the same address, as passenger, was proceeding in the opposite direction on the same highway at a speed of between 40 and 50 miles per hour and passing the convoy. It appears that as the Ford sedan approached the end of the convoy, the above-mentioned reconnaissance

car moved out of line and, crossing the center of the roadway, crashed into the left side of the civilian vehicle, striking it at about the center.

The Army reconnaissance car was extensively damaged; the Ford sedan was almost totally demolished; the four soldiers in the Army vehicle were all more or less seriously injured; Mrs. Stright sustained severe contusions and abrasions; and Miss Miller sustained a contusion of right knee, laceration and contusion of the left leg below the knee, and a fracture of the right radius near the wrist. Under date of November 4, 1941, Dr. Paul B. Steele, of Pittsburgh, Pa., reported that Miss Miller was suffering from neuritis of the median nerve resulting from the wrist injury.

There appears to have been no disinterested eyewitnesses to the accident, and the testimony of the Government driver and the other noncommissioned officer, on the one hand, and that of Mrs. Stright, on the other, are in sharp conflict as to the cause of the happening, the Army driver intimating that the civilian vehicle had been driven across the center line of the roadway, making it impossible for him to avoid a collision, the noncommissioned officer stating this as a fact, and Mrs. Stright stating that the Army vehicle had darted from its line of traffic, crossed the center line of the road, and struck her car. The two enlisted men who were riding in the back seat of the reconnaissance car testified that at the time they had their heads down, lighting cigarettes; hence, they were unable to give any information as to the cause of the accident. Miss Miller was, she stated, looking in another direction, and so did not see what happened. It appears, however, that all skid marks and debris were found to the right of the center line of the road, looking south (Mrs. Stright's proper side of the road), and this significant fact, considered with the location of the principal damage to each vehicle (the damaged parts of the Army vehicle included lights and radiator), tends to corroborate Mrs. Stright's statement.

A claim was filed with the War Department by Miss Miller, on August 29, 1941, in the amounts of \$1,662.10 for personal injury and medical expenses, and \$62.45 for personal property lost or destroyed and railroad fare from South Hill, Va., to Pittsburgh. The claim for personal injury was supported by medical and hospital bills to September 9, 1941, totaling \$162.10, and subsequently two additional bills for medical services, dated November 1, 1941, and December 1, 1941, in amounts of \$20 and \$25, respectively, were furnished to the Department.

Upon review, the claim for property damage was approved in the amount of \$42.50 for settlement under the provisions of the act of December 28, 1922 (42 Stat. 1066), it being the view of the Department that the proximate cause of the accident was negligence on the part of the Government driver in that he permitted his vehicle to cross over the center of the highway and collide with the car of Mrs. Stright. The claim for personal injuries was necessarily disapproved, since regardless of the merits of the case, there is no law or appropriation available to the Department for the payment of claims of this nature involving motor vehicles.

A bill introduced in the Seventy-seventh Congress (H. R. 6598) for the relief of Leanna M. Stright on account of the injuries sustained by her in this same accident was the subject of a report made by the Department to the Committee on Claims under date of March 14, 1942, and has now been enacted into law (Private Law No. 458, approved June 19, 1942).

Since it appears that the injuries suffered by Miss Miller resulted from no fault or negligence on her part or on the part of Mrs. Stright, the driver of the civilian vehicle, but rather from negligence on the part of the Government driver, the Department, while not prepared to pass upon the amount that should be allowed her under the circumstances, will interpose no objection to the enactment of the legislation compensating her for such injuries in such amount as the Congress in its discretion may deem proper.

Sincerely yours,

HENRY L. STIMSON, *Secretary of War.*

WILKINSBURG, PA., August 20, 1941.

Re Miss Clare Miller, 5733 Holden Street, Pittsburgh, Pa.

To Whom It May Concern:

This is to certify that the above-named individual has been under my care since July 19, 1941. She was apparently involved in an automobile accident in South Hill, Va.

At the time I was consulted she was suffering from the following:

- (a) Colles fracture of right wrist.
- (b) Abrasions of right and left legs.
- (c) Contusion of scalp.
- (d) Ecchymosis of the pudendal region, shoulders, thorax, and back.

She remains under my care until the fracture is satisfactorily healed.

Sincerely yours,

WILLIAM E. GIBSON.

NOTE.—October 6, 1942.—William E. Gibson, M. D., is now in the United States Navy, so that it is now impossible to get a report signed by him, but above is a true and correct copy of his report. He was paid \$50, his bill in full. Original receipt should be in War Department file No. 152 FC (Miller, Clare A.) No. 1201.

HAROLD L. MASTERS,
Attorney for Clare A. Miller.

SOUTH HILL, VA., August 22, 1941.

To Whom It May Concern:

This is to certify that I treated Miss Clare A. Miller, 5733 Holden Street, Pittsburgh, Pa., on July 17, for injuries received in an automobile accident which are as follows:

- 1. Contusion in front of right knee.
- 2. Laceration and contusion of the left leg below the knee in front.
- 3. Fracture of right radius near wrist.

Treatment: The fracture was examined under fluoroscope, then reduced and fluoroscoped again. Then it was placed in a Walker splint. Mercurochrome was applied to contusion and laceration and bandaged. She was advised to have her family physician give her tetanus antitoxin. Morphine sulfate one-sixth grain was given to relieve pain.

L. H. BRACEY.

SOUTH HILL, VA., July 17, 1941.

L. H. BRACEY, M. D.

Miss CLARE MILLER,
5733 Holden Street, Pittsburgh, Pa.

To professional services..... \$17

Received payment:

L. H. BRACEY.

THE PITTSBURGH HOSPITAL ASSOCIATION

PITTSBURGH, PA.

In account with CLARE A. MILLER, 5733 Holden Street, Pittsburgh, Pa.

Itemized bill from July 20 to Aug. 2, 1941

	Charges
Room or ward charge for above period, 13 days, at \$6.50 per day.....	\$84. 50
X-Ray, right forearm.....	5. 00
Laboratory tests.....	5. 00
Telephone calls.....	. 60
Total.....	95. 10

Paid: August 2, 1941.

S. M. IDA.

PITTSBURGH, PA., May 13, 1942.

Miss CLARE A. MILLER,
5733 Holden Street, Pittsburgh, Pa.

To PAUL B. STEELE, M. D., Dr.
7059 Jenkins Arcade

For professional services ----- \$105
Monthly statement.

PITTSBURGH, PA., May 25, 1942.

Mr. HAROLD MASTERS,
Attorney at Law, Pittsburgh, Pa.

DEAR SIR: This is to certify that Miss Clare A. Miller was a patient of mine from October 1941 to May 1942 with a partial silver-fork deformity of the wrist following a Colle's fracture, a marked neuritis of the median nerve, and adhesions of the wrist limiting the wrist in dorsi flexion and plantar flexion. All this was a result of a Colle's fracture sustained in an accident at South Hill, Va., according to the history of the patient. A jeep truck ran into an automobile in which Miss Miller was a passenger.

I believe prognosis for the future is good. It may be necessary to release the median nerve from the scar tissue at some later time.

Very truly yours,

PAUL B. STEELE.

PITTSBURGH, PA., October 7, 1942.

Re Clare A. Miller versus United States of America.

Hon. SAMUEL A. WEISS,
419 House Office Building, Washington, D. C.

DEAR MR. WEISS: Excluding property damage for which she has been paid, the following is a summary of the expenses of Clare A. Miller for transportation and medical attention, past, present, and future:

Train fare from place of the accident, South Hill, Va, to home in Pittsburgh, Pa., not allowed as property damage.....	\$19. 95
L. H. Bracey, M. D., medical attention at South Hill, Va.....	17. 00
Pittsburgh Hospital, hospital expense due to accident.....	95. 10
William E. Gibson, M. D., medical attention at Pittsburgh, Pa.....	50. 00
Paul B. Steele, M. D., medical attention at Pittsburgh, Pa.....	105. 00
Estimate of Paul B. Steele, M. D., of his fee for operation required, this does not include hospital bill and loss of wages, etc.....	150. 00
Total.....	437. 05

You will find enclosed late report of Paul B. Steel, M. D.

Very truly yours,

HAROLD L. MASTERS.

PITTSBURGH, PA., October 6, 1942.

To Whom It May Concern:

In regard to Miss Clare Miller, this is to certify that there is about 25 percent permanent dorsiflexion of the right wrist due to an old Colle's fracture. The angle of the articular surface is with the shaft of the bone is tilted about 25°. There is some pressure on the median nerve, causing a certain neuritis which may be aggravated by use.

Treatment consists of an osteotomy, correcting the angulation of the articular surface.

The fee for this will be \$150.

Very truly yours,

P

